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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,727	09/07/2000	Yoshihiro Tosaki	2000-0926A	8365

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EXAMINER

VUONG, BACH Q

ART UNIT	PAPER NUMBER
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2653

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DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,727

Applicant(s)

TOSAKI ET AL.

Examiner

Bach Q Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 11-25, 27, 28, 30-41 and 43-55 is/are allowed.
- 6) ☒ Claim(s) 8-10, 26, 29 and 42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10, 26, 29 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima et al. (US 5,832,088).

Nakajima et al., according to Figs. 26-29, shows an apparatus for detecting cracks in optical discs comprising all features of the claimed invention as interpreted below:

Regarding claim 8, see Figs. 26-29 which show an apparatus for copying ciphered information recorded in a first optical disk to a second optical disk of writable type, the first optical disk having a main information and a subaltern information region for recording disk control information including key information for deciphered the ciphered data information, the apparatus comprising: a protective condition judging means (see Judgment Means 209) for judging whether the data information is protected by a copyright or not on the basis of the disk control information when the data information is copied; and a disk copy preventing means (copy Inhibition means 201) for preventing the data information recorded in the first optical disk from being copied to the second optical disk if it is judged that data information is protected by the copyright by the protective condition judging means.

Regarding claim 9, see Figs. 9 and 10 which show an apparatus for copying ciphered information recorded wherein the second optical disk (see CD-R drive 33) is a write-once optical disk.

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Regarding claims 10 and 42, see Figs. 26-29 which show an apparatus for copying ciphered information recorded wherein the disk copy preventing means prevents the data information from being copied by preventing the data information from being deciphered (see column 42, line 1 through column 43, line 57).

Regarding claim 26, see Figs. 26-29 which show a method of preventing an illegal use of optical disks when ciphered data information recorded in a first optical disk (see CD-ROM drive 32) is copied to a second optical disk of writable type (see CD-R drive 33), the first optical disk having a main information region for recording the ciphered data information and a subaltern information region for recording disk control information including key information for deciphering the ciphered data information, the method comprising the steps of: judging whether the data information is protected by a copyright or not on the basis of the disk control information (see Judgment Means 209); and preventing the data information recorded in the first optical disk from being copied to the optical disk of writable type if the data information is protected by the copyright (see copy inhibition means 201).

Regarding claim 29, see Figs. 26-29 which show a method of preventing an illegal use of optical disks wherein the second optical disk (see CD-R drive 33) is a write-once optical disk.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 1-7 and 34-41 are allowed over the prior art of record because all cited references in the record, considered as closest references and viewed in combination or individually, fails to suggest or fairly teach an apparatus for playing back an optical disk including all features as recited in claim 1, lines 1-19. Claims 2-7 and 34-41 fall with their respective parent claim.

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Claims 11-18, 43 and 44 are allowed over the prior art of record because all cited references in the record, considered as closest references and viewed in combination or individually, fails to suggest or fairly teach an optical disk of writable type including all features as recited in each of claims 11 (lines 2-20) and 17 (lines 2-19). Claims 12-16, 18, 43 and 44 fall with their respective parent claim.

Claims 19-25, 27, 28, 30-33 and 45-55 are allowed over the prior art of record because all cited references in the record, considered as closest references and viewed in combination or individually, fails to suggest or fairly teach an method of preventing an illegal use/copy of an optical disk including all features as recited in each of claims 19 (lines 1-16), 27 (lines 1-17), 28 (lines 1-18), 30 (1-24) and 31 (lines 1-25). Claims 20-25, 28, 32, 33 and 45-55 fall with their respective parent claim.

Cited References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an reproducing apparatus and method for an optical disk having copy protection functions.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
March 21, 2004


THANG V. TRAN
PRIMARY EXAMINER